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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,139	05/31/2001	Monte J. Rhoads	42390P11046	1934

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EXAMINER

ANYASO, UCHENDU O

ART UNIT PAPER NUMBER

2675

DATE MAILED: 08/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/872,139

Applicant(s)

RHOADS, MONTE J.

Examiner

Uchendu O Anyaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 6.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. **Claims 7-19** are pending in this action.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 7-19** are rejected under 35 U.S.C. 102(e) as being anticipated by *Bang* (U.S. 6,522,530).

Regarding **independent claim 7**, *Bang* teaches a rack mount device in the form of a computer system comprising a main body 10 having an enclosure as depicted by the body 10 wherein the body 10 has a front portion with a user interface (see figure 2) and a monitor 14 that is capable of being both tilted (i.e., moved up and down), and swiveled (i.e, moved in a horizontal direction) with respect to the main body 10 in order to facilitate being viewed at

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multiple angles (column 2, lines 3-10, figures 1, 5-8 at 10, 14; column 3, lines 61-67, figures 3, 4 at 10, 14).

Regarding **independent claim 14**, and for **claim 19**, Bang teaches a movable coupling within a rack mount appliance by teaching a monitor bracket 47 that includes a coupling part 49 in order to facilitate the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 47, 49).

Furthermore, Bang teaches a rack mount device in the form of a computer system comprising a main body 10 having a monitor 14 capable of two degrees of freedom of position adjustment by being both tilted (i.e., moved up and down), and swiveled (i.e., moved in a horizontal direction) with respect to the main body 10 (column 2, lines 3-10, figures 1, 5-8 at 10, 14; column 3, lines 61-67, figures 3, 4 at 10, 14).

Regarding **independent claim 18**, Bang teaches rack mount server in the form of a computer system comprising a main body 10 having a monitor 14 adjustable viewing angles (column 2, lines 7-9, figures 6, 8).

Regarding **claims 8 and 9**, in further discussion of claim 7, Bang teaches the tiltably attached display 14 is coupled with a tilting member 20 that allows incremental adjustment of the display 14 (column 3, lines 61-67, figures 3, 4 at 10, 14, 20).

Regarding **claims 10-13 and 15-17** in further discussion of claims 7 and 14, Bang teaches how the tilting member 20 includes the shaft 42 inserted into the shaft accommodating portion 44 of the rotatable bracket 33, and a bracket for monitor 47 having one end coupled to the monitor 14 and having another end coupled on the shaft 42 so that the monitor bracket 47 can be rotated along a radial direction of the shaft 42 (column 4, lines 65 through column 2, line 3, figures 3, 4 at 14, 20, 33, 42, 47).

Furthermore, Bang teaches how the shaft 42 is secured in the shaft accommodating portion 44 of the rotatable bracket 33 by a set screw 43 wherein the shaft 42 is projected outside from both ends of the shaft accommodating portion 44 such that Monitor brackets 47 are respectively coupled to the opposite projected ends of the shaft 42 (column 5, lines 4-10, figures 3, 4 at 33, 42-44, 47).

Also, Bang teaches how the monitor bracket 47 has a coupling part 49 inserted into the bracket accommodating portion 24 to be coupled therewith and a bent part 53 approximately perpendicularly bent from the coupling part 49 wherein the plane of the coupling part 49 are formed screw holes 51 for allowing the coupling part 49 to be coupled with the bracket accommodating portion 24 by screws 52 so that the monitor bracket 47 allows the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

#### ***Response to Arguments***

4. Applicant's arguments filed June 5, 2003 have been fully considered but they are not persuasive.

Applicant amended his independent claims and argues that Bang fails to disclose a display device coupled within an enclosure of a rack mounted server. Furthermore, applicant argues that Bang does not disclose coupling an end of the display device within the computer device.

Examiner disagrees with applicant's assertions. First, Bang's invention is related to computer systems having a monitor movably coupled to a main body (*see* column 1, lines 15-18). Applicant's rack mount server is a computer system. As such, Bang's inventions reads directly on applicant's invention. Moreover, the computer system in Bang comprises a main body 10 having an enclosure as depicted by the body 10 wherein the body 10 has a front portion with a user interface (*see* figure 2) and a monitor 14 that is capable of being both tilted (*i.e.*, moved up and down), and swiveled (*i.e.*, moved in a horizontal direction) with respect to the main body 10 in order to facilitate being viewed at multiple angles (column 2, lines 3-10, figures 1, 5-8 at 10, 14; column 3, lines 61-67, figures 3, 4 at 10, 14).

Second, Bang teaches a coupling part that reads directly on applicant's claimed invention. Specifically, Bang teaches a movable coupling within a rack mount appliance by teaching a monitor bracket 47 that includes a coupling part 49 in order to facilitate the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 47, 49).

Hence, applicant's amendments and arguments are not persuasive.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Uchendu O. Anyaso

08/23/2003

  
**DENNIS-DOON CHOW**  
**PRIMARY EXAMINER**